

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
No. 1:19-cv-00808-LCB-JLW

ROSETTA SWINNEY, an individual     )  
and legal guardian and next of friend     )  
to J.S., a minor,     )  
   )  
   Plaintiffs,     )  
   )  
v.     )  
   )  
FRONTIER AIRLINES, Inc., et al.     )  
   )  
   Defendants.     )

**JOINT RULE 26(f) REPORT**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), a telephonic meeting was held on October 20, 2020 and was attended by Sharika Robinson for Plaintiffs Rosetta Swinney (“Swinney”) and J.S., a minor (“J.S.”), and Aaron White for Defendant, Frontier Airlines, Inc. (“Frontier”) (collectively “the Parties”). On December 16, 2020, the Parties attended the Initial Rule 16 Pre-trial Conference before Magistrate Judge Webster. Shortly thereafter, the Parties conferred and reached an agreement on filing a Joint Rule 26(f) Report.

2. Discovery Plan. The parties propose to the Court the following Discovery Plan:

- Discovery will be needed on the following subjects:
  - a) The circumstances surrounding Plaintiffs’ alleged exposure to vomit on the subject aircraft;

- b) The party responsible for the presence of the alleged vomit, including any vendor retained by Frontier to clean its aircraft prior to such flight;
  - c) The circumstances surrounding Plaintiff Swinney's removal from the aircraft by law enforcement;
  - d) The circumstances surrounding Frontier's alleged defamatory statements;
  - e) Whether Plaintiffs sustained injuries as a result of Frontier's alleged conduct;
  - f) Whether Plaintiffs suffered any damages related to the claims in the Complaint.
- The parties agree that the appropriate plan for this case is that designated in LR 26.1(a) as exceptional. All discovery requests and responses that are submitted electronically, by email, and are deemed served on the date the electronic communication is sent.
  - The date for the completion of all discovery (general and expert) is January 21, 2022.
  - Stipulated modifications to the case management track include:  
Requests for admission are limited to 45 for Plaintiffs and 45 for Frontier.
    - a) A decision to allow 45 with respect to requests for admissions; and
    - b) The maximum number of depositions available under the federal rules will be allowed.
  - The parties will complete Rule 26(a)(1) initial disclosures within 30 days of the entry of the Court's order related to this joint plan.
  - Reports as required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:
    - a) From Plaintiffs by October 17, 2021.
    - b) From Defendant by November 17, 2021.

- Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation: Parties participated in voluntary mediation on February 26, 2020, before mediator Rene Stemple Trehy, Esq. Mediation was unsuccessful. Parties agree to mediate at least once more before the end of the close of discovery.

4. Preliminary Deposition Schedule:

The parties anticipate that fact witness depositions will be taken after service of written discovery responses by the Parties. Counsel for the Parties will confer and attempt to schedule any depositions on mutually agreeable dates during the discovery period. The parties will update this deposition schedule at reasonable intervals. Consistent with Federal Rule 30(d)(1), individual depositions will last no more than 7 hours, unless agreed to in advance.

5. Other items.

- Parties agree that, whenever possible, discovery requests and responses will be served via e-mail or other electronic means in order to limit physical mailings or physical contact with parties during the Covid-19 pandemic.
- Plaintiff should be allowed until August 19, 2021 to request leave to join additional parties or amend pleadings.
- Defendant Frontier should be allowed until October 19, 2021 to request leave to join additional parties or amend pleadings. After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

- The parties have discussed special procedures for managing the case, including referral of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §636(c) and appointment of a master. The parties do not agree to a referral to a Magistrate Judge or the appointment of a master.
- Trial of the action is expected to take approximately 5 days. A jury trial has been demanded.

Dated: January 4, 2021

Respectfully submitted,

/s/ Sharika M. Robinson

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Attorneys for Defendant, Frontier Airlines, Inc.

### **CERTIFICATE OF SERVICE**

I certify that on January 4, 2021, I caused the foregoing to be electronically filed with the United States District Court for the Middle District of North Carolina using the CM/ECF system.

/s/ Sharika M. Robinson

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